

**IN THE CIRCUIT COURT OF CAMDEN COUNTY
STATE OF MISSOURI**

STATE OF MISSOURI, ex rel.)
JEREMIAH W. (JAY) NIXON)
Attorney General,)
)
)
)
Plaintiff,)
)
v.)
)
STARPROSE CORPORATION,)
)
and)
)
JEFFREY SCOTT KOWALSKI,)
)
Defendants.)

Case No. CV104-844CC

**ORDER FOR CONSENT JUDGMENT AND PERMANENT INJUNCTION
OF STARPROSE CORPORATION AND JEFFREY SCOTT KOWALSKI**

Now on the date indicated herein below, the Motion for Approval of Stipulation for Consent Judgment and Permanent Injunction having been filed by Attorney General Jeremiah W. (Jay) Nixon, through his assistants Mary S. Erickson and Peter Lyskowski, and the Court having considered the above-described Motion and the fully executed Stipulation for Consent Judgment and Permanent Injunction filed contemporaneously therewith and made a part thereof, by the Plaintiff and Defendants StarProse Corporation and Jeffrey Scott Kowalski in this action, and being fully advised in the premises makes the following findings:

1. The following Consent Judgment and Permanent Injunction constitutes a fair and adequate settlement of the issues involved in this case; and
2. The parties to the Stipulation have read and reviewed the following Consent Judgment and Permanent Injunction and they understand the nature, terms and contents of said Consent Judgment and Permanent Injunction; and

3. This Court is the proper court of venue and jurisdiction under the Merchandising Practices Act, Chapter 407, RSMo 2000; and

4. Defendant Jeffrey Scott Kowalski, on his own behalf and on behalf of his company Defendant StarProse Corporation, acknowledges receipt of the Petition and Amended Petition in this action and waives formal service of process as provided by Missouri Supreme Court Rules 54.14 and 54.13(c).

5. The Court approves the Stipulation for Consent Judgment and Permanent Injunction.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant StarProse Corporation and Defendant Jeffrey Scott Kowalski, and their officers, agents, servants, employees, sales persons, representatives, and other individuals acting on their behalf or at their direction who receive actual notice of this order are permanently enjoined and restrained from violating § 407.020 and § 407.1138 in connection with the sending of electronic mail messages (e-mail), specifically including the following acts and practices:

1. Initiating or sending the transmission of electronic mail (e-mail) requesting information regarding sexual orientation or any sexual information to any of the following:

- A. To any school personnel or employees, including but not limited to superintendents, principals, administrators, and teachers, located in Missouri.
- B. To any school, school district or similar entity located in Missouri.
- C. To any state, county, local or municipal personnel or employees located in Missouri.

D. To any state, county, local or municipal agency, district or entity located in Missouri.

2. Initiating or sending the transmission of electronic mail (e-mail) requesting information under the guise of an Open Records Request (in the subject line of the e-mail or otherwise) which does not request public records as defined by §§ 610.010 to 610.035 RSMo.
3. Initiating or sending the transmission of electronic mail (e-mail) under the guise of an Open Records Request (in the subject line of the e-mail or otherwise) threatening the publication or posting of information unless the e-mail is responded to by the recipient.
4. Threatening to publish or post on a website or by any other means false information regarding any individual or entity outlined in subparagraphs A through D in Paragraph 1 above.
5. Threatening to publish or post on a website or by any other means information regarding the sexual orientation of any individual outlined in subparagraphs A and C in Paragraph 1 above.
6. Publishing or posting on a website or by any other means false information regarding any individual or entity outlined in subparagraphs A through D in Paragraph 1 above.
7. Publishing or posting on a website or by any other means information regarding the sexual orientation of any individual outlined in subparagraphs A and C in Paragraph 1 above.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant StarProse Corporation and Defendant Jeffrey Scott Kowalski and their officers, agents, servants, employees, sales persons, representatives, and other individuals acting on their behalf or at their direction shall review and comply with Missouri's Open Records Law, §§ 610.010 to 610.035 RSMo, in all future Open Records Requests directed to any state, county, local or municipal agency, district or entity, or to any state, county, local or municipal personnel or employees in the State of Missouri.

Honorable Bruce E. Colyer
Associate Circuit Judge
Camden County Circuit Court

Date: _____